



STATE OF DELAWARE
THE COURTS OF THE JUSTICES OF THE PEACE
820 NORTH FRENCH STREET, 11TH FLOOR
WILMINGTON, DELAWARE 19801

NORMAN A. BARRON
CHIEF MAGISTRATE

TELEPHONE: (302) 571-2485

POLICY DIRECTIVE 80-023 (SUPPLEMENT)

TO: ALL JUSTICES OF THE PEACE, STATE OF DELAWARE
ALL CLERKS OF THE COURT JUSTICE OF THE PEACE COURTS

FROM: NORMAN A. BARRON
CHIEF MAGISTRATE

DATE: JUNE 5, 1986

RE: ACCOMMODATION OF POLICE AND CORRECTIONAL OFFICERS

In Policy Directive 80-023, dated October 28, 1980, The Justice Of The Peace Courts' Relationship With The Police, at paragraph 5, page 4, I wrote:

"I ask all of our Court personnel to make every effort to accommodate police officers who appear for official purposes at Justice of the Peace Courts by giving them preference of appearance when possible so that they may return to their road assignments with less delay than is presently being encountered. At the same time, it must be recognized that some delays are unavoidable. For example, a case in progress ordinarily should not be interrupted to accommodate waiting police officers. Further, since Court appearances are in many cases on a non-scheduled basis, congestion will often occur through no one's neglect, especially in our more active Courts." (Emphasis added.)

In Policy Directive 81-034, dated March 4, 1981, Priority Of Cases Where A Defendant Is In The Custody Of A Department Of Correction Court And Transportation Officer, at page 1, I wrote:

"Because of the demands upon [correctional officers] and because of the obvious manpower shortage regarding correctional officers assigned to the Court and Transportation detail, I request that you give priority to cases where a defendant is in the custody of a correctional officer." (Emphasis added.)

This Supplement to Policy Directive 80-023 is promulgated to underscore the continued preference which should be given to cases involving both types of officers and to respond to a recent inquiry not answered in either of the aforementioned Policy Directives. Suppose that both a police officer and a correctional officer are in Court waiting to see the Judge. Each has a person in custody. As between the two, which should receive preferential treatment? I conclude that, for the reasons stated in Policy Directive 81-034, as between the two, the correctional officer should be given priority in appearing before the Court.

NAB:pn

cc: The Honorable Andrew D. Christie
Michael E. McLaughlin
Colonel Daniel L. Simpson
Colonel John R. McCarnan
Captain Robert McDonald
Lieutenant Wayne Merritt
Chief Joe A. Klenoski, Dover P.D.
Chief Patrick J. Ramone, Elsmere P.D.
Chief Harvey Gregg, Georgetown P.D.
Chief Carl F. McIlroy, Harrington P.D.
Chief Hal Barber, Lewes P.D.
Chief Richard D. Carmean, Milford P.D.
Chief William Brierly, Newark P.D.
Chief Ray S. Wood, New Castle City P.D.
Chief Michael Capriglione, Newport P.D.
Chief Charles R. Miller, Seaford P.D.
Chief Donald H. McGinty, Smyrna P.D.
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